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PATENT # 4

DOCKET NO.: UPN-3983



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:  
Weiner et al.

Group Art Unit: 1645

Serial No.: 09/888,860

Customer No.: 23377

Filing Date: June 25, 2001

Confirmation No.: 1975

For: EXPRESSION SYSTEMS FOR CLONING TOXIC GENES

DATE OF DEPOSIT: February 15, 2002

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL  
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TO BOX MISSING PARTS, ASSISTANT COMMISSIONER  
FOR PATENTS, WASHINGTON, DC 20231.

TYPED NAME: Paul K. Legaard  
REGISTRATION NO.: 38,534

03/08/2002 BNGUYEN1 00000083 09888860

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**BOX MISSING PARTS**

Assistant Commissioner for Patents  
Washington DC 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION AND  
REQUEST FOR EXTENSION OF TIME**

In response to the "Notice to File Missing Parts of Application--Filing Date Granted"  
dated August 16, 2001, which indicated a 2 month shortened statutory period for response of  
October 16, 2001, enclosed herewith for filing is:

**Declarations and Powers of Attorney**



A Combined Declaration and Power of Attorney, executed by the inventor(s). An  
unexecuted copy of this document, attached to the above-identified specification,  
was filed by Express Mail No. EL531429399US on June 25, 2001.



A Combined Declaration and Power of Attorney, executed by the inventor(s) and  
identifying fewer/more inventors than those identified in the unexecuted  
declaration filed with to the above-identified application specification on @@,  
via by Express Mail No. @@. Such deletion/addition of inventors is specifically  
provided for in 37 CFR Sec. 1.48.

- ☐ A copy of the original Declaration and Power of Attorney, executed by the inventor(s) as filed in parent application serial no. \_\_\_\_\_.
- ☐ A copy of the Power of Attorney with revocation filed on \_\_\_\_\_
- ☐ A Combined Power of Attorney with Revocation and Statement Under 3.73(b)
- ☒ An associate power of attorney executed by Paul K. Legaard who is listed on the original declaration/power of attorney.

**Drawings**

- ☐ \_\_\_\_\_ Sheets of Substitute drawings comprising Figures \_\_\_\_\_ in compliance with 37 C.F.R. 1.84.

**Sequence Listing** (Note - All items listed below are required if Sequence Listing is also being filed with Missing Parts)

- ☐ Paper copy of Sequence Listing
- ☐ Diskette containing Sequence Listing in computer readable form
- ☐ Amendment directing entry of sequence listing in specification
- ☐ Statement to Support Filing of Sequence listing

**Claim for Small Entity Status**

- ☒ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:
  - ☐ an Independent Inventor
  - ☐ a Small Business Concern
  - ☐ a Nonprofit Organization

**Miscellaneous Items**

- ☒ A copy of the Notice to File Missing Parts.
- ☐ Request for Corrected Filing Receipt.
- ☐ Request for Refund Due to Small Entity Status
- ☐ Request for Refund Due to Fee Calculation Error
- ☐ A substitute specification in compliance with 37 C.F.R. 1.52.
- ☐ Other: \_\_\_\_\_

**Fee Calculation and Extension of Time**

- ☒ Request is hereby made under 37 CFR 1.136(a) to extend the time for response to the Notice to File Missing Parts of Application due October 16, 2001 to and through February 16, 2002, comprising an extension of the shortened period of four months:

	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	FEE	RATE	FEE
MISSING PARTS SURCHARGE	\$65	\$ 65.00	\$130	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$200	\$	\$400	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$460	\$	\$920	\$
<input checked="" type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$720	\$720.00	\$1440	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$980	\$	\$1960	\$
TOTAL FEE DUE		\$785.00		

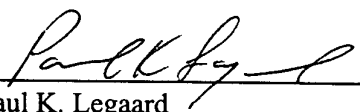
Applicant(s) has/have not been notified that the requested extension will not be permitted. The present application is not involved in an interference declared pursuant to 37 CFR 1.207.

- ☒ A check in the total amount due of \$785.00 is attached to cover the surcharge and any requested extension of time. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge the surcharge to my Deposit Account No. 23-3050 in the amount of \$@@@.

- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.
- ☒ Any additional filing fees required under 37 CFR 1.16 including fees for presentation of extra claims.
  - ☒ Any additional patent application processing fees under 37 CFR 1.17 and under 37 CFR 1.20(d).
- ☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.
- ☒ Any patent application processing fees under 37 CFR 1.17 and under 37 CFR 1.20(d).
  - ☐ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
  - ☒ Any filing fees under 37 CFR 1.16 including fees for presentation of extra claims.

This sheet is attached in duplicate.

Date: February 15, 2002

  
Paul K. Legaard  
Registration No. 38,534

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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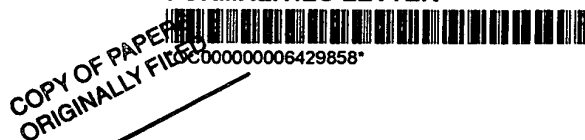
APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/888,860	06/25/2001	David B. Weiner	UPN-3983

Paul K. Legaard  
WOODCOCK WASHBURN KURTZ  
MACKIEWICZ & NORRIS LLP  
One Liberty Place-46th Floor  
Philadelphia, PA 19103



CONFIRMATION NO. 1975

## FORMALITIES LETTER



Date Mailed: 08/16/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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